

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHER DIVISION**

GORDONMARK W. BUTLER,

Plaintiff,

v.

Case No: 11-CV-10021-DT

HONORABLE DENISE PAGE HOOD

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Mona K. Majzoub's Report and Recommendation filed November 21, 2011. Timely objections were filed by Plaintiff on November 30, 2011. A response to the objections was filed on December 14, 2011.

Judicial review of the Commissioner's decision is limited in scope to determining whether the findings of fact made by the Commissioner are supported by substantial evidence, and deciding whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1989); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

(quoting *Baker v. Heckler*, 730 F.2d 1147, 1150 (8th Cir. 1984)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that Plaintiff's mental health does not preclude him from working. The Court further agrees with the Magistrate Judge that the ALJ was not required to rely upon Dr. Arvind Kumar's statement that Plaintiff was disabled because Dr. Kumar's own notes do not support such a conclusion. The Court also agrees with the Magistrate Judge that the ALJ's usage of the vocational guidelines was not in error and that the ALJ's determination that Plaintiff's mental impairments did not limit his ability to perform unskilled work. Such a finding is supported by substantial evidence in the medical record before the ALJ.

Accordingly,

IT IS ORDERED that the Report and Recommendation (**Doc. No. 19, filed November 21, 2011**) is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment and/or Remand (**Doc. No. 13, filed April 18, 2011**) is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (**Doc. No. 16, filed July 7, 2011**) is GRANTED

IT IS FURTHER ORDERED that this matter is DISMISSED.

Dated: December 30, 2011

S/Denise Page Hood

Denise Page Hood

United States District Judge

**11-10021 Butler v. CSS**  
**Order Accepting Report and Recommendation**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 30, 2011, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager